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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,838	02/02/2004	William R. Dunn	AME 1638-005C	9094

8698 7590 03/02/2006  
STANDLEY LAW GROUP LLP  
495 METRO PLACE SOUTH  
SUITE 210  
DUBLIN, OH 43017

EXAMINER

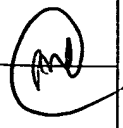
WANG, GEORGE Y

ART UNIT PAPER NUMBER

2871

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/769,838	DUNN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	George Y. Wang	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 17-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they are identical to claims 5-8, which were already withdrawn in Applicant's Election filed August 1, 2005.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohnishi et al. (U.S. Patent No. 6,885,412, hereinafter "Ohnishi").

4. As to claim 13, Ohnishi discloses a flat panel display comprising a front plate (fig. 5, ref. 2), a rear glass plate (1), a layer of liquid crystals (3) and a TFT array layer (fig. 3, ref. 13) interposed between the front and rear glass plates, and at least one thermal sensor (8) integral to the TFT array layer (when positioned on the "1a" surface, col. 8, line 63 – col. 9, line 6; col. 12, line 54 – col. 13, line 2) to provide temperature sensing of the layer of liquid crystals (col. 10, lines 5-9; col. 12, lines 54-63).

5. Regarding claim 16, Ohnishi discloses the flat panel display as recited above where the thermal sensor (8) is applied onto the TFT array layer (when positioned on the "1a" surface, col. 8, line 65 – col. 9, line 6; col. 12, line 54 – col. 13, line 2).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnishi in view of Mühlemann (U.S. Patent No. 6,774,883).

Ohnishi discloses the flat panel display as recited above, however, the reference fails to specifically disclose that the at least one thermal sensor is comprised of an array of diodes.

Mühlemann disclose an LCD where the thermal sensors comprise and array of diodes (col. 1, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the thermal sensors of Ohnishi to comprise an array of diodes since one of ordinary skill in the art would not only recognize that it is well known in the art (col. 1, line 56), but one would be motivated to obtain an optimal thermal

coupling (col. 2, lines 1-2) by reducing errors resulting from signal propagation, cross-talk, and inaccuracy in values measured in a comparator (col. 1, lines 27-30).

### ***Response to Arguments***

8. Applicant's arguments filed November 8, 2005 have been fully considered but they are not persuasive.

Applicant amends independent claim 13 to include the limitation previously cited in claim 15 (now cancelled), which recites that the "TFT array layer" is also interposed between the front and rear plates and that the "thermal sensor" is "integral to the TFT array." Applicant argues that the application is in condition for allowance because the Ohnishi reference does not teach this feature. However, Ohnishi clearly teaches that a layer of liquid crystals (3) and a TFT array layer (fig. 3, ref. 13) are interposed between the front and rear glass plates and where the at least one thermal sensor (8) integral to the TFT array layer (when positioned on the "1a" surface, col. 8, line 63 – col. 9, line 6; col. 12, line 54 – col. 13, line 2) provides temperature sensing of the layer of liquid crystals (col. 10, lines 5-9; col. 12, lines 54-63). Despite Applicant's assertion that because the detection system is "not shown" in the figures, it is clear that Ohnishi integrates the temperature adjustment and detection system to the temperature application section (8) in its disclosure in col. 8, lines 55-62 even though each of these elements is "not shown" in the figures.

With regard to claim 14, Applicant argues that there is no motivation to combine the Muhlemann reference with Ohnishi because Muhlemann allegedly "teaches away"

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from the combination. Applicant has not provided any reason or evidence to support this contention. Applicant only states that Examiner has "not properly understood" the reference. However, the Muhlemann reference clearly teaches motivation to combine with Ohnishi in order to obtain an optimal thermal coupling (col. 2, lines 1-2) by reducing errors resulting from signal propagation, cross-talk, and inaccuracy in values measured in a comparator (col. 1, lines 27-30).

As a result, Applicant amendments and arguments do not place the application in condition for allowance at this time.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Y. Wang whose telephone number is 571-272-2304. The examiner can normally be reached on M-F, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George Y. Wang  
Examiner  
Art Unit 2871

February 27, 2006

  
ANDREW SCHECHTER  
PRIMARY EXAMINER